IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:	Atty. Docket No.: 000479.00001
Mark M. Stephenson, et al.	
Serial No.: 09/824,132	Group Art Unit: 2145
Filed: April 3, 2001	Examiner: Bhatia, Ajay M.
For: System and Method for Projecting Content Beyond Firewalls	Confirmation No.: 8931

REPLY BRIEF

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Sir:

This Reply Brief responds to the Examiner's Answer mailed on April 2, 2008. This brief is being submitted within the two-month period provided for under the regulations.

No oral hearing is requested in connection with this appeal. Accordingly, the briefs should be transmitted to the Board of Patent Appeals and Interferences for decision.

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STATUS OF THE CLAIMS

Claims 55-81 are pending and stand rejected. Claims 1-54 have been canceled. The rejection of all pending claims 55-81 is appealed.

GROUNDS OF REJECTION TO BE REVIEWED

Whether claims 55-81 are properly rejected under 35 U.S.C. § 103(a) as being unpatentable over Alden et al. (U.S. Patent No. 6,101,543) in view of Erickson et al. (U.S. Patent No. 6,412,009).

ARGUMENT

As to independent claim 55, Appellant argued that neither Alden nor Erickson, whether alone or in combination, teaches transmission of encrypted information from the recited intermediate computer over the <u>second return path</u> to a second computer. The Answer first states on page 9 that the illustrative figure provided on page 8 of the Appeal Brief does not appear in the drawings in the application. The figure directly and exactly tracks the language of independent claim 55 and was provided solely for the convenience of the examiner and the Board of Appeals to illustrate the difference between claim 55 and the cited references. The Answer points to col. 6 lines 47-67 as evidence for the recited "second return path." But Figure 3 of Alden and its associated description merely describes how one endpoint of the network – Tunnel Server A – sets up a tunnel. Of course messages are "returned" from Tunnel Server D in Alden but that is not what independent claim 55 recites. Comparison of the figure on page 8 of Appellant's Appeal Brief (which exactly tracks the language of independent claim 55) with Figure 3 and col. 6 lines 47-67 of Alden, whether alone or as purportedly modified by Erickson, does not result in the claimed invention – the claim requires <u>two return paths requested by two different computers</u> and then transmitting data from the first computer to the second computer <u>over the second return path</u>.

In response to Appellant's argument beginning at the bottom of page 7 of the Appeal Brief that independent claim 55 recites that the first and second computers <u>each transmit a request to establish a connection with the intermediate server computer</u>, the Answer for the first time points to the phrase "pair wise connection" in Alden at column 7 lines 1-19. This newly-relied upon portion of Alden, which was never before mentioned in a previous office action, appears to constitute a new ground of rejection without having been labeled as such. See 37

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C.F.R. § 41.39(b). Nevertheless, this phrase does not show what is claimed – that is, each of two separate computers transmits a request to an intermediate computer to establish connections over respective return paths. As discussed in the Appeal Brief, in Alden one tunnel server establishes the tunnel for communication between the endpoints. In contrast, independent claim 55 requires that two computers establish the tunnel, each by transmitting separate requests to the intermediate computer.

In response to Appellant's argument on page 9 of the Appeal Brief that neither reference discloses "a connection identifier corresponding to the first return path" and a second connection identifier corresponding to the second return path as claimed in independent claim 55, the Answer is silent. Accordingly, it appears that the PTO has conceded this point.

As to independent claim 57, in response to Appellant's argument on page 10 of the Appeal Brief that this claim specifically recites transmitting an encrypted HTTP message from the first computer to the second computer over a "receive channel" to the second computer – wherein the term "receive channel" is specifically defined in the specification, the Answer merely refers to the newly-found mention of "pair wise" in col. 7 of Alden. As discussed above, this portion of Alden does not disclose the claimed feature. Neither Alden nor Erickson, alone or in combination, describes or suggests the creation of two receive channels initiated by the computer endpoints and then transmitting encrypted HTTP data from the first computer to the second computer through the intermediate computer over the second receive channel as claimed.

As to the rejection of independent claims 66 and 74, the response above is similarly applicable and the arguments in the Appeal Brief are maintained.

In response to Appellant's argument on page 12 of the Appeal Brief that none of the office actions issued in this application have ever addressed the claimed feature in dependent

claim 56 of "in the intermediate server computer, decrypting encrypted information received from the first computer using encryption keys shared between the first computer and the intermediate computer, and then re-encrypting the received information using encryption keys shared between the intermediate computer and the second computer," the Answer for the first time newly points to the background section of Alden in col. 1 and to col. 11 of Alden (see Answer at page 12) as allegedly disclosing various types of encryption.[1]

Nevertheless, this newly-discovered basis for the rejection of record cannot be sustained. As to the background discussion in col. 1, which discusses encryption and tunnels generally, there is no disclosure that all of the background topics are incorporated into the Alden system. Mere mention of "symmetric" and "shared keys" in the background section does not translate into disclosure of the subject matter of dependent claim 56. More particularly, the "shared key" background discussion appearing in col. 1 merely states the principle that two nodes A and B may use different encryption keys for communicating in different directions. In contrast to the background encryption schemes discussed, Alden's improved system relies solely on session keys between two network endpoints, as described in col. 8 lines 22-57 – there is no decryption and re-encryption by an intermediate computer. Nothing in Alden discloses the requirements of dependent claim 56, which recites that the intermediate server computer decrypts information received from the first computer and re-encrypts the information using a different key to send to the second computer. In other words, there are three computers recited in the claim.

In response to Appellant's argument that the features of dependent claim 59 are not supported by col. 8 of Alden, the Answer newly shifts to Alden at col. 11 lines 30-40 in support

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[1] The Final Office Action previously relied solely on col. 8 lines 45-67 of Alden in support of this rejection.

of this claim limitation. This apparent new ground of rejection is similarly unsupportable. Nothing in Alden discloses or suggests the features recited in dependent claim 59. The Answer at pages 12-13 seemingly mixes speculation with official notice, as it is unclear what specific portions of Alden or Erickson are being relied upon to establish the claimed feature:

> Encryption for the header (destination information) which is encrypted with the symmetric key or shared key Col. 11 lines 30-40 and the "private" key which the appellant discuss [sic] is used for end point encryption therefore protecting the data in the packet to the destination. Therefore the data in the packet is protected twice, with two types of encryption. Hence Alden and Erickson anticipate the features of claim 59.

The relevance of the above passage to the subject matter of dependent claim 59 is unclear.

As the Answer does not separately address any other arguments raised in the Appeal Brief, the arguments provided in the Appeal Brief stand on their own merit.

Respectfully submitted,

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Date: May 29, 2008   By: ___/Bradley C. Wright/_____

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